



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 11, 1998

Mr. Kevin Pagan
Assistant City Attorney
City of McAllen
P.O. Box 220
McAllen, Texas 78505-0220

OR98-1892

Dear Mr. Pagan:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117374.

The City of McAllen (the "city") received an open records request for information it holds regarding the police department's investigation of a family disturbance. You say that the city has "if appropriate" already released "basic information" specifically made public under Government Code section 552.108(c) and *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). You claim that the requested information is otherwise excepted from required public disclosure pursuant to section 552.108(a)(1) of the Government Code.

Section 552.108(a)(1) excepts from required public disclosures

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

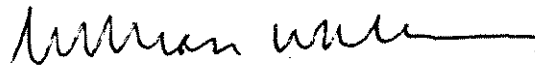
(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

You have informed us that the records at issue pertain to a pending criminal investigation and that their release at this time would interfere with investigation and prosecution. Having reviewed the records and your arguments, we conclude that, except for

"basic information," you may withhold the requested information at this time pursuant to section 552.108(a)(1).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



William Walker
Assistant Attorney General
Open Records Division

WMW/ch

Ref: ID# 117374

Enclosures: Submitted documents

cc: Mr. Jaime Nieto
2128 Camellia
McAllen, Texas 78501
(w/o enclosures)